

ANIMADVERSIONS
ON

Dr. Burnet's
HISTORY

OF THE
RIGHTS of PRINCES

In the Disposing of
Ecclesiastical Benefices

AND

Church-Lands

In a Letter to a Friend.

LONDON:

Printed in the Year 1682.

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IN A LETTER TO A FRIEND.

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SIR,

THE late Book of Dr. Burnet about the *Regale*, was sent me, with a Request, that I would read and consider it, which I have done with all imaginable Care and Impartiality. As for the Author, I am a stranger to him, and was possessed with a great Opinion of his Learning and Integrity, till I had read this Piece, in which he shews much more of the first than of the second, and the discovery I made of some Errors and Mistakes, was so far from giving me any Pleasure, that I was really troubled lest Papists and others should take Advantage from any faults in this Book, to weaken the Credit of his other Pieces. I leave it wholly to you, whether you will Publish these Observations, or only privately communicate them to the Learned Author, whose Candour I hope is such, that he will not account these Admonitions any Reproaching of his performance, but a Caution to do himself and the Subject more Right in a Second Impression: I confess I have observed so many things, which (to me) seem amiss, that it would be extremely tedious to set them all down. But it may suffice, that I do remark the general Heads of my Observations, and give a few Instances on each Head, with this assurance, that I can give very many more of every one of these kinds if the Doctor desire it, in order to the rectifying the next Impression; and though I shall easily grant his judgment to be greater than mine, yet we are so Naturally prone to like our own things, that our Affections brabe our Understandings when we are to judge of our own Actions, and this makes others of meaner Capacities see our faults better than we do our own.

First, I suppose the Doctor will not deny that most of his Instances in the former, and in the latter part of his Book are borrowed from *De Marca de Concord. Sacerd. & Imperii*; which is not any Crime, but only that he endeavours to disguise Instances taken only out of *De Marca*, by citing the Authors *De Marca* had them from, as if Dr. B. had them from the Original.

Example, Dr. B. pag. 27, 28, 29, 30. compared with *De Marca*, l. 8. cap. 4. pag. 383. And again, Dr. B. pag. 205. and 210. comp. with *De Marca*, l. 8. cap. 22. 439. and cap. 23. 442.

Again, some passages in *De Marca*, which are favourable to the Clergies Maintenance, he omits; as when (with *De Marca*) Dr. B. pag. 16. had asserted there was no set quantity of the Christians Oblations *Peter de Marca* adds — that these Oblations — *ut adoravit Irenæum, totiusque assurgébant, ut decimam reddituum partem egrederentur.* l. 8. c. 18, §. 1. pag. 419. but this Note Dr. B. throws by.

Secondly, In that vast number of Quotations in this Book, upon due Examination I find the Doctor hath mistaken the words or the sense of divers of them, to make them look favourably upon his Assertions; and of this kind I could produce at least forty Examples, but these few may serve for a Specimen. Pag. 13. To countenance Popular Elections, he saith — *Mention is made of Elections by the People in the Second and Sixth Canons of the Council of Nice.* But I affirm, no mention is made of them in either of those Canons; for the second Canon only forbids hastily bringing of Catechumens to Baptism, and then to Holy Orders: There is no word of Election, nor any necessity to understand it of the People; or however, it implies no more than their desiring such an one may be chosen by the Clergy: For the Fourth Canon shews the Bishops of the Province were all to agree to the Election, and the Metropolitan to confirm it. And the sixth Canon shews the Metropolitan

had

had a Negative Voice, and the common suffrage of all, which Dr. B. strains to imply the suffrage of all the People, by comparing this with the fourth Canon, plainly signifies the common Suffrage of all the Bishops of the Province and the Metropolitan, from which his one or two contentious Bishops dissented, the majority was to carry in. And that the People did not Elect, but only desire the Bishops to Elect or applaud their Election. See Dr. Beveridge Answer to Can. 4. Concil. Nic. 2. Tom. 2. pag. 47.

Again, pag. 18. Dr. B. cites S. Cyprian, as if he had first declared the Levites Maintenance by Tithes, and then added — instead thereof such as are once by any Clerical Ordination promoted in the Church of God, &c. Thus the Doctor cites this Sentence, to insinuate that the Evangelical Clergy then had no Tithes, but some other Maintenance instead thereof. But S. Cyprian's words (after he hath spoken of the form of the Levites Maintenance by Tithes, and the reason of it, viz. that they might always attend on Divine Administrations) are, *Qua mensura ratio et forma in Clero tenetur ut qui in Ecclesia Domini ad Ordinationem Clericalem promoveantur, &c.* Epist. 56. So that he affirms the same Reason, and the same Form was observed in the Maintenance of the Evangelical Clergy, for they also were maintained by the Baskets (containing that proportion of Tithes and Oblations which the Bishop assigned them) and thereby were freed from all necessity of leaving Divine Administrations. 'Tis true, the Inferiour Clergy received not Tithes immediately of the People, but they had their share of them in their Basket from the Bishop; and so it was — *tamquam decimas ex fructibus*: All which shews, that S. Cyprian compares the Maintenance, as being very much alike, and that Dr. B. did aim at weakening this Testimony, when he translated *Qua mensura ratio et forma tenetur, instead thereof*, as if it had been quite another thing. And indeed it shews a strange partiality in all Testimonies relating to these two points of Elections, and Tithes. So pag. 16. Dr. B. brings

brings in *Origen*, as if he only affirmed First-fruits were to be paid under the Gospel, whereas Mr. *Selden* himself acknowledges (and the place plainly confirms it) that he mentions Tithes also as due under the Gospel, *Seld. Hist. of Tithes*, pag. 41. *Origen. Hom. 11. in Num.*

Again, pag. 52. He saith, *Charles the Great in his Capitular*, subjected the Lands of the Church to those Services, citing for this, *Capit. l. 4. c. 43.* (*viz.* the Services of mending High-ways and Bridges) but that Capitular only orders the Emperours Officer, and the Bishop to choose Men to see the Bridges Repaired, "And to admonish those that ought to Repair them, to pay their proportions; but no thing of the Lands of the Church.

Pag. 71. The *Formula* cited by him, as the way of endowing Parish Churches, belong not at all to that matter, but to the endowing Monasteries: as may be seen, *Tom. 2. Capitular. Edit. Baluz.*

Pag. 116. He saith, *St. Paul, Heb. 7. 2. 4.* makes the reason of *Abraham's* giving Tithes to *Melchisedec* to be because he was a King: Where he wrests the Scripture to undermine the Clergies Maintenance. For *St. Paul* is there proving *Melchisedec* was a Priest, and the comparison is between him and *Aaron*; and he proves the Priesthood of *Melchisedec* by his doing the Duty of a Priest, *viz.* Blessing; and his taking the dues of a Priest, *viz.* Tithes: And though some Eastern Kings did take Tithes, that was first begun upon the King and Priest's being one Person. But *St. Paul*, in that Chap. ver. 8. makes Tithe-takers and Priests all one.

Pag. 143. He saith, the fourteenth Canon of the Council of *Chalons*: "Obliged Bishops in their Visitations to Confirm their People, to enquire into Disorders, to Preach the Word, &c. And not to Prey upon their People: Whereas that Canon only saith, When they did Visit for to Confirm, &c. they should not Oppress their People, &c. See *Bin. Tom. 3. Sect. 2. pag. 193.*

Page 192. The Doctor cites *Zonaras*, as saying — "That in the East there were no Stewards in his time, *Zon. ad 26. Can. Council Chalced.* But *Zonaras* words are — "That now many Bishops, and some Abbots did not regard this Canon of *Chalcedon*, which enjoyns Stewards. He doth not say, no Bishops nor Abbots regard it, as the Doctor pretends.

Thirdly, There are many passages omitted, which were as obvious as those he hath cited, and more to the purpose of Elections and Endowments than many long Discourses in his Book, and seem to be omitted merely lest they should look too favourably on the Clergies Power, or their Right to Tithes. A few of these Instances also we will produce.

Page 40. The Doctor cites the 22^d Canon of *Ancient*. And Page 17. he again cites the same Canon (falsly figured 24.) but in both places omits these words, "Let the Ecclesiastical Constitution be observed, which saith, a Bishop ought not to be appointed without a Synod and the judgment of the Bishops, who after the Decree of the *Proteropoles* have Power to promote a Worthy Person, *Beaur. Council Tom. 1. p. 450.* This was left out, as contrary to his beloved Popular Elections. And for the same Reason he omits *Can. 12. Codici African.* which gives the Bishops and Metropolitan Power to Elect. *Beaur. Tom. 1. pag. 527.* though he cites there many other of those Canons y^t are remote to his business.

Page 72. So also he omits the firmest and clearest Proofs for Tithes of the Fathers in that Age: Yet those he produces do for all his glosses shew that they made the Tenth the least and lowest Measure for Christian Bounty, and thence it follows, that a Tenth was manner of strict Duty.

Page 110. *Charles the Great* made many Laws for Parochial Tithes, of which he only cites two, and the latter of

of them is concerning the Church Tenants, *Capit. l. i. c. 157*. Nor doth he ever intimate there were any more, but he might have cited many more, *viz. Capit. l. i. c. 149. l. i. c. 101. 115. 154 &c.* So also *pag. 169.* he omits divers *Saxon Laws* for Tithes, as that of *Edward, An. 900.* That of another *Edward, An. 940.* That of *Ethelred, An. 1009.* with divers Canons of those Ages.

Pag. 127. He tells us, that before the Synod of *Carlotman* and *Pepin, 742.* there had been no Synod in *France* for 80 Years, *i. e.* from *An. 662.* But *Binnus* reckons one at *Chalons, An. 664.* one at *Rouen, An. 682.* One under *Theodore, An. 685.* and one at *Utrecht, An. 697.* all within this 80 Years.

Pag. 129. He cites a Canon at *Aken, Can. 17.* but omits *secundum Dei mandatum precipimus*; which words intimate a belief of the Divine Right of Tithes, and therefore he concealed these words. *Viz. Capit. Edit. Baluz. Tom. 1. pag. 253.*

Pag. 180. In the Popes concession of Investitures to the Emperor, express mention is made of the Emperor's Power to annul Elections made by the Clergy and People. See *Binnus, Tom. 3. par. 2. pag. 450.* which *D. B.* takes no notice of.

Fourthly, There seem to be divers Contradictions between the parts of this Discourse: Of which also we will Remark an Example or two.

Pag. 52. He affirms, "Church Lands in England before the Conquest were subject to that Service called *Trinoda necessitas, viz. Fortifying Castles, Building Bridges, and the rate for an Expedition*: which he affirms again, *pag. 160.* yet in the next Page 170. he saith, before King *William* the Conquerours time, the Bishops and Abbots held their Barones in Frank *Almoign*, and so were obliged to pay nothing but Prayers, and were freed from all Secular Service: And for this last Assertion, he hath it from *Mat. Paris*

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1662. and it is very true, yet in Dr. B. it seems an evident contradiction to his *Trinova mensura*.

Page 117. He makes it a weighty distinction between us and the *Levitical* Priesthood, that they had not the charge of Souls as Church-men now have; But page 123. he saith, "This distinction of with Cure and without Cure; is ill grounded, and favours too much of the niceties of the Canonists."

Page 126. He blames the Bishops for turning Soldiers; yet page 131. he relates how they were forced to go to the War.

Fifthly, There are some very odd and mistaken Assertions and false Reasonings in the several parts of this Discourse, and divers suggestions that are very weak, and show only evil will to the Power and the Rights of the Clergy: For Example.

Page 18. He reports S. Cyprian's Collecting at once 100000 Sesterces: Yet page 21. to discredit that Relation in *Prudentius* of the Christians Offering Thousands of Sesterces, he says, "It is hard to determine how much of this is to go for Poetry."

Page 65. Like Mr. Selden, he cites those Canons which were made often-times to prevent abuses, and frequently established upon one or two ill Practises, to prove abuses errect into the Church, which is a false and dissingenuous way of Arguing.

Page 70. He affirms, there was no Rule for the proportion of the Christian Charity in S. Chrysostom's time; yet his own instances show (and many more omitted, prove) they did think it a sin to give less than a Denar.

Page 80. He thinks Clergy Men converting Finns (rejoyed on Church Leases) to Secular Uses, cannot be defended: I would fain know whether laying that Money out so (provide for themselves and their Families) be a Secular Use. I am sure Fines may be thus laid out, and why not Finns?

Page 113. He applauds the distinctions found out to diminish the payment of a full Tenth part, which payment he affirms (with our Modern Quakers) "To be the heaviest Tax that any Nation ever came under: Forgetting this it all that Men give for the provision of Ministers to look to their Souls, and not considering surely that the Jewish Nation was put under a double Tithe (which is twice as heavy) by God himself.

Page 117. He hath some odd pretences to give reason why Tithes were easier and more supportable to the Jews than to us, though he grant they paid nigh twice as much out of their Profts: He urges the vast number of Priests and Levites: But what is that to the People, who pay it whether it be divided among many or few? And he urges the Fruitfulness of their Land, and the Barrenness of ours (which is also borrowed from the Quakers Books:) But then doth not the larger increase still pay a larger Tithe, and the lesser increase a lesser? If a Jew of 30 Bushels of Seed have 3000 Bushels, he pays above 600 for Tithe by Moses Law; and is not that a heavier Tax, than for a Christian, whom he supposes to have but 300 increase of 30 Bushels, to pay 30 Bushels out of that 300, which is the highest Christian Tithing? The Quakers will, to the Doctors Honour, shortly cite him in Print for these Arguments.

Page 118. Though he grants the Jewish Tithe was a fifth part, and knows the Christians is but a Tenth, he falsely affirms concerning us and the Jews, *the same Rule was applied to all.*

Page 172. He hath found out a rare Criticism, that Bishoprick came to be so called from the Royalty purchased in the County of Durham, by Walter, Bishop there, Anno 1077. yet himself brings Proof that the word was used earlier.

Page 199. It is very strange, that the Kings Seizing on the Estates of Deceased Bishops, should be derived from that

that Right, that the poor People Challenged to spoil those Goods by a rude kind of Violence; and if the Poor had any such Right, it was not as People, but as Poor: So that if the Doctor will have the Kings Right come from the People, yet he cannot pretend to be so the Representative of the Poor, as to claim those Rights which belong to them merely as Poor.

Page 320. To open a wide Door to all spoiling of the Church, and make Sacrilege nothing but a meer *Chymera*, he affirms, "There is nothing so Dedicated under the New Testament as was under the Old; forgetting *Ananias* and *Sapphira*, and what St. Peter then determined; and his own words, page 320. *initio*."

Page 328. I leave it to the Doctor's second thoughts, whether his determining a Popish Prince may extend the *Regula* to all Churches in his Dominion, be a reasonable Assertion to Publish here in *England*, as our Case stands with Respect to the next in Succession.

Sixthly, There are very many gross Reflections on the whole Order of the Clergy, Ancient and Modern, which to come from out of that Order in an Age wherein *Seditions*, *Papists*, and *Debauchees* do seek all Occasions to Defame them, is Prodigiously strange; and the more, because the ground of many of these Accusations are false: As may appear in divers of the following particulars.

Page 26. He inveighs against the Corruptions of the Church in the beginning of the fourth Century: Yet he confesses, "The better and sounder part did always prevail" in Publick Synods to condemn every Abuse. Now, if the major part (whose Votes in Synods prevailed) were good, what occasion for this Invective?

Page 33. *Constantine* (upon the Credit of a Pagan Historian, and an Enemy to Christianity, viz. *Marcellianus*) is called a *Superstitious weak Man*, and his Name affirmed to be all wrong, merely because he made kind laws for

the Church. See Dr. B. *pag.* 34. But *Martini*, who robbed Churches, and took all their Maintenance away, and Barilished the Bishops from their Houses by meer want, is presented as a brave Man, *pag.* 124, 125. And indeed, if there be no Sacrilege under the Gospel, we have been too severe upon him. But as if the Doctor's Spirit did rise at all that were bountiful to the Church, *Pulcheria* the Emperor's is represented as Superstitious, who is by very good Historians described as a most Prudent and Pious Woman, *Zonar. Hist. pag.* 117, 118. *Secret. Hist. Eccl. pag.* 479. So that all hate the work for their very Love to the Clergy.

Pag. 54. He thinks that the strength of our Separatists lies in the evil Lives of the Clergy.

Pag. 59. His producing a Canon to enjoin the *African* Bishops (lately Oppressed by the *Vandals*) mean Furniture and Dyet: And his story of *Asob*, Bishop of *Tinna*, who had but one Servant, *pag.* 192. (an Example the Doctor himself scarce imitates) together with that large Catalogue of Queries about the ill Manners of the Clergy, which he reckons curious Notes (*pag.* 134.) viz. for their design who would vilifie the Clergy. These and many other large digressions favour of no great Charity to the present Church-men, to say no worse.

Pag. 120. He boasts of an odd Discovery of the weakness or disingenuity of the Bishops in making two contrary Decrees in one day, one in a Synod, another in a Parliament. But when all is told, he cannot tell whether those Bishops who made the Canon consented to the Edict or no. And besides, if we compare *De Marca*, l. 8. c. 9. § 15: (whence the Doctor borrowed it) with *Beluzius*, *Capital. An.* 615. *Cap.* 1. *Tom.* 1. *pag.* 23, we shall find both these (viz. the Canon and Edict) make good sense in one Law, and have no contradiction in them. So that this is an odd Discovery indeed of weakness or disingenuity: Yet not the Bishops, but some body else is to be charged with it.

Page 143. He speaks without any indignation and contemptibly of the Divine Right of Kings, and the Arguments for it he represents as wheedling pretences, and (to him) infirm stuff, and makes it his business every where most assiduously to pretend that the Clergy claimed the Rights of them; so, that on this account he with satisfaction relates that all was thought well gotten by Princes and others that could be got back from them, pag. 196. 197. 200. and elsewhere.

Page 160. and in many other places, he indifferently coaches for those Causes which may reflect honour on the present Bishops and Clergy; and omits many that were more pertinent to the *Regale*, which was his business.

Seventhly, Many passages in the Book do witness of Kings, and tend to flatter the People not without plain intimations of his dislike of the present Ministry proceeding, and his blaming those who have most obstinately opposed him.

Page 97. He enlarges the words of Grey (if my Edition be right) to reflect upon the servile Obedience of Bishops that are shown by them.

Page 199. He saith, "Princes commonly abuse a King for any thing which their Ancestors have once possessed. But in England of late, Parliament (I think) have done this often than Kings, both in case of the Courtiers."

Page 214. In a contest between the Parliament of France and that King, he hath these words, "amongst the things in some late proceedings, I need not say where, of the Nature of Arbitrariness is such, that the most manifest of Justice of Law and Justice, when it crosses the Interest of an abused Prince, suffers for Obstinacy and Disobedience."

Page 215. & 216. There is a high Commendation of the Parliament which I need not transcribe, nor tell what it aims at. And indeed the whole Discourse is so very partial for Popular Elections, and strains all places to make it seem they had

had more Right than indeed they ever had: That it seems writ to court the favour of the People.

Eighthly, There are divers Errors in Chronology, in my Opinion, which because they will breed a tedious Dispute, I shall pass by, only noting that he not only rejects the Learned and Exact Chronology of Dr. *Beveridge* in many Councils, but grievously vilifies the Apostolical Canons, pag. 25. as a later Forgery: Though they were not long since so Learnedly Vindicated by the afore-said Doctor, of whose Book he takes no notice, which seems to be a great slight to so eminent a Person of his Neighbour-hood.

Lastly, There are very many false Quotations as to the Figures and Numbers, which though it made it more difficult for me to Examine, yet all (except some few places) being at last found, I will rather impute it to the Doctors haste in compiling his Discourse, or to the Printers neglect, than to any mistake of the Author.

Having thus far observed those things in this Discourse that I think deserve to be censured, I shall leave to you whether you will communicate it to the Party concerned or no, because you know his Temper: Perhaps, he may despise them, and study Revenge for a Return to this modest Admonition: If so, he is not so good a Man, nor so good a Christian as he hath been esteemed. I am sure if any Person should deal thus with any thing of mine, I should own it as an act of kindness, and without the dangerous affectation of defending what I had once said, acknowledge whatever I thought to be imprudent or erroneous, and Correct it in a speedy second Impression, it being the most true and durable Reputation which is gained by solid and ingenious Truth: I am very loath to believe the Doctor should directly design to expose the Revenues, Rights, or Persons of those of his own Order to injury or contempt in such

Age as this, and am willing enough to believe this Piece was done in haste, and without considering the Consequences the Churches Enemies will draw from this Discourse: And I shall be confirmed in this favourable Opinion of him, if he do candidly accept these Observations, and especially if he himself do Correct what is amiss, and do not stay till some other rougher Hand come to search into this Discourse, wherein I think there are many more things amiss under every one of these Heads than I have here taken notice of. I wish the Doctor would read Dr. Beveridge's Vindication of the Apostolick Canons, before he do so rashly reject them, and that he will consider what Dr. Tildesly, Mr. Mountague, Bishop Andrews of old, with some others of late have said for the Divine Right of Tithes, and the ancient payment of them, before he do, out of Mr. Selden, and the late pretended Piece of Father Paul, &c. so confidently reject it, and so dangerously undermine the Practice it self, which if it be ever taken away, will go nigh to be the utter Ruine of Religion among us. I desire not to be enquired after, it suffices that I am

*A hearty well-wisher to Dr. B.
And Yours Faithfully.*